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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,148	12/30/2003	Oomman Painummoottil Thomas	18,708	3857

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EXAMINER

ASINOVSKY, OLGA

ART UNIT PAPER NUMBER

1711

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/749,148

Applicant(s)

THOMAS ET AL.

Examiner

Olga Asinovsky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/02/04&06/06/05
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 6, 11, 13, 16, 17, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Guntherberg et al U.S. Patent 6,579,937.

Guntherberg' 937 discloses a thermoplastic molding composition comprising: (A) an elastomeric graft copolymer, (B) a copolymer and (C) an elastomeric block copolymer, col. 1, lines 27-38. Wherein (A) can be based on a butadiene polymer (a12) alone, col. 3, lines 29-61. A butadiene polymer (a12) having a Tg below -10C is a core polymer. A shell polymer grafted onto the graft base formed from styrene and/or at least one of (meth)acrylonitrile, (meth)acrylate maleic anhydride, maleimide, (meth)acrylamide, and/or vinylalkyl ethers, col. 3, lines 59-67 and col. 4, lines 1-3. The grafted shell can have a Tg above 50 C. The (B) is a copolymer composed of styrene and at least one of: (meth)acrylonitrile, (meth)acrylate maleic anhydride, maleimide, (meth)acrylamide, and/or vinylalkyl ethers. The (C) is an elastomeric block copolymer composed of block Ca formed from a hard phase (styrene) and at least one elastomeric block C(a/b) being a soft phase, wherein the block Ca has a Tg above 25C and block C(a/b) has a Tg below 25C, col. 4, lines 5-24. The component (A) is readable for being a high performance elastomer in the present claims. The component (B) is readable for being a low performance elastomer in the present claims. The component (C) is readable of being a copolymer of the high and low performance elastomers in the present claims.

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The difference between a high and low performance elastomers is not critical in the present claims, because there are no characteristics for a high performance elastomer and a low performance elastomer. Also, each of a high and low performance elastomes could be in the form of (co)polymer, graft copolymer, block copolymer or core/shell copolymer. The molding composition can be used for producing moldings, sheets, profiles, pipes and fibers or films, col. 5, lines 1-7 and col. 16, lines 15-17. Additives such as fillers and reinforcing agents of fibrous can be included, col. 15, lines 56-59.

2. Claims 1-2, 6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Modic et al U.S. Patent 5,461,111.

Modic discloses a blend of a polypropylene grafted with polystyrene and a selectively hydrogenated styrene/conjugated diene block copolymer, col. 1, lines 53-60. The propylene polymer material backbone can be composed from ethylene-propylene copolymer rubber or an ethylene-propylene-non-conjugated diene monomer rubber, col. 2, lines 39-56. The grafted polypropylene is readable for being a low performance elastomer. The elastomeric block copolymer based on styrene and conjugated diene is readable for being a high performance elastomer, because said block copolymer has low melt viscosity, col. 5, lines 16-19. The components are blended in an extruder, col. 5, lines 41-44. The blend of a grafted polypropylene and the elastomeric block copolymer is readable for being a copolymer of the high and low performance elastomers.

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3. Claims 1-3, 6, 13, 25, 29, 31, 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Sipinen U.S. Patent 4,808,474.

Sipinen discloses a blend of crystalline polypropylene, compatible ethylene-propylene-diene (EPDM) and elastomers such as styrene-butadiene-styrene block copolymer, col. 1, lines 61-64, col. 2, lines 22-29 and 3, lines 7-20 and 33-35. A composition can be used as a pressure-sensitive adhesive for cloth-backed tape, col. 1, line 32 and col. 7, lines. The EPDM and the elastomer block copolymer are readable in the present claims for being a high and low performance elastomers. The compatible blend thereof is inherent from being a copolymer in the present claims. The pressure-sensitive adhesive tape for cloth is a personal care or a medical article for the present claims 34 and 35.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5, 7-12, 14-24, 26-30 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sipinen U.S. Patent 4,808,474 as applied to claim 1-3, 6, 13, 25, 31 and 34-35 above, and further in view of Pradel U.S. Patent 6,750,288.

Sipinen does not disclose an olefin polymer produced by a single-site catalyst.

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Pradel discloses isotactic polypropylene obtained by metallocene catalyst, col. 3, lines 41-42.

It would have been obvious to one of ordinary skill in the art to consider that an isotactic polypropylene in Sipinen invention can be produced by using a metallocene catalyst=single-site catalyst as disclosed by Pradel, because a metallocene catalyst is well known catalyst for producing an olefin polymer and since any catalyst can be used in Sipinen invention within a reasonable expectation for obtaining the adequate result. It would have been obvious to one of ordinary skill in the art to select the components such as EPDM and elastomer block of styrene-butadiene-styrene copolymer in Sipinen invention in the specified range in the present claims because the proportion of the ingredients is depending on the desired properties and intended use of the resulting polymer.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References have been considered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.A.

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October 01, 2005



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